THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE G.BHAVANI PRASAD

WRIT PETITION NO.16609 of 2006

14th August 2006

Between:

Municipal Corporation of Guntur, Rep.by its Commissioner, Guntur.

...PETITIONER

AND

G.Bhagya Lakshmi, W/o.Naga Malleswara Rao, 44 years, Working as School Assistant (English), Sri Kasu Sayamma Municipal Corporation High School, Kothapet, Guntur.

...RESPONDENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE G.BHAVANI PRASAD

WRIT PETITION NO.16609 of 2006

ORDER: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard Sri B.Venkata Ratnam, the learned Standing Counsel appearing on behalf of the petitioner-Corporation.

This Writ Petition is filed, *inter alia*, seeking a Writ of Certiorari against the *ad interim ex parte* order dated 23.11.2005 in O.A.No.7548 of 2005 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad ('the Tribunal' for brevity) wherein, having observed that in spite of printing the name of the Standing Counsel, he was not present and therefore, a direction was given to pay the salaries to the respondent, which are due from 03.06.2004 till date, pending further orders.

Though the learned Standing Counsel sought to make submissions on merits to the extent that the respondent is not entitled to any such direction, it is also pointed out that they have filed a detailed counter affidavit in V.M.A.No.1028 of 2006 and the same is still pending. Yet, the Contempt Case is filed in C.C.No.377 of 2006.

Having heard the learned Standing Counsel and on perusal of the

material available on record, we are of the opinion that to serve the ends of justice, whenever a vacate stay application is filed, it is only after passing final orders on such application, necessarily the Contempt Case has to be taken up as per the principles laid down in ***State of Jammu & Kashmir v. Mohd.Yaqoob Khan***[1].

The Writ Petition is accordingly disposed of with a direction to the Tribunal to take up the vacate stay application and pass orders and subject to the orders passed therein, the Contempt Case has to be taken up. No costs.

(B.PRAKASH RAO, J)

(G.BHAVANI PRASAD, J)

14th August 2006
RRB

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[1] (1992) 4 SCC 167